

UNITED NATIONS
General Assembly
FORTY-NINTH SESSION
Official Records

THIRD COMMITTEE
36th meeting
held on
Monday, 21 November 1994
at 10 a.m.
New York

SUMMARY RECORD OF THE 36th MEETING

Chairman: Mr. CISSE (Senegal)

CONTENTS

AGENDA ITEM 101: PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN (continued)

AGENDA ITEM 102: PREPARATION FOR AND ORGANIZATION OF THE UNITED NATIONS YEAR FOR TOLERANCE (continued)

AGENDA ITEM 103: PROGRAMME OF ACTIVITIES OF THE INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE (continued)

AGENDA ITEM 100: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued)

(e) CAPITAL PUNISHMENT (continued)

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Distr. GENERAL
A/C.3/49/SR.36
5 January 1994
ENGLISH
ORIGINAL: FRENCH

94-82419 (E)



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The meeting was called to order at 10.30 a.m.

AGENDA ITEM 101: PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN (continued)
(A/C.3/49/L.21, L.22, L.23, L.24)

Draft resolutions A/C.3/49/L.21: Protection of children affected by armed conflicts; A/C.3/49/L.22: Need to adopt efficient international measures for the prevention and eradication of the sale of children, child prostitution and child pornography, and A/C.3/49/L.24: The plight of street children

1. The CHAIRMAN said that, since the sponsors of draft resolutions L.21, L.22 and L.24 were not ready to introduce their texts, the latter would be introduced on 23 November 1994, and the Committee would take action on them on 25 November 1994.

Draft resolution A/C.3/49/L.23: Implementation of the Convention on the Rights of the Child

2. Ms. STRÖM (Sweden), introducing draft resolution A/C.3/49/L.23 on behalf of the sponsors, said that the latter now included Costa Rica, Honduras, Hungary, Ireland, Latvia, Lithuania, Mali, Nigeria, Portugal, the Russian Federation, Senegal, Uruguay, Viet Nam and Zambia. She emphasized the importance of not only universal adherence to the Convention, but also its complete implementation by all States. Article 51 of the Convention prohibited any reservations that were incompatible with the object and purpose of the Convention; under international law States parties which had made reservations could not refer to internal law in order not to perform their treaty obligations. After emphasizing some of the main provisions of the text, she expressed the hope that the draft resolution would, as in previous years, be adopted by consensus.

AGENDA ITEM 102: PREPARATION FOR AND ORGANIZATION OF THE UNITED NATIONS YEAR FOR TOLERANCE (continued) (A/C.3/49/L.20)

Draft resolution A/C.3/49/L.20: United Nations Year for Tolerance

3. Mr. BATU (Turkey), on behalf of the sponsors, introduced draft resolution A/C.3/49/L.20 concerning the United Nations Year for Tolerance which had been proclaimed by the General Assembly (resolution 48/126) following the initiative of the United Nations Educational, Scientific and Cultural Organization at the twenty-sixth session of the General Conference.

4. Although the cold war was over, intolerance - discrimination, sexism, racism, xenophobia - continued to fuel numerous conflicts. Tolerance was needed everywhere, yet it was far from being a universal reality.

5. Humankind needed not only political programmes and action, but also new hopes, goals, ideals and standards to enable human beings to live in peace, regardless of their ethnic origin and religion, and to aspire to a better future. That was precisely what the United Nations Year for Tolerance could

bring. In the context of the activities organized for the Year for Tolerance, Turkey, along with UNESCO, would host an international gathering in Istanbul in 1995. He hoped that the draft resolution would be adopted by consensus.

AGENDA ITEM 103: PROGRAMME OF ACTIVITIES OF THE INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE (continued) (A/C.3/49/L.25)

Draft decision A/C.3/49/L.25: United Nations Voluntary Fund for Indigenous Populations

6. Mr. TELLMANN (Norway) introduced draft decision A/C.3/49/L.25 on behalf of the sponsors, who now included Australia and New Zealand, and expressed the hope that it would be adopted by consensus.

AGENDA ITEM 100: HUMAN RIGHTS QUESTIONS (continued) (A/49/57 and Corr.1, A/49/58, A/49/75-S/1994/180, A/49/182, 206, 220, 221, 265, 271, 282, 283, 286, A/49/287-S/1994/894 and Corr.1, A/49/292, 298, 304, 386, 422, 532, 591; A/C.3/49/19)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/49/40, 41, 44, A/49/228-S/1994/827, A/49/261-E/1994/110, A/49/264-E/1994/113, A/49/364, 405, 408, 409, 426, 484 and Add.1, 537 and 642; A/C.3/49/5 and 6; E/1994/23)

(e) CAPITAL PUNISHMENT (continued) (A/49/234 and Add.1 and 2)

7. Mr. MUCH (Germany) speaking on agenda item 100 (e), recalled that various United Nations instruments and decisions established standards restricting the application of capital punishment. Its abolition was encouraged by the second Optional Protocol to the International Covenant on Civil and Political Rights, and the decisions of the World Conference on Human Rights also invited States which had not yet done so to accede to and ratify the international instruments; however, in such a serious matter, thorough debate was called for.

8. The States belonging to the European Union did not apply the death penalty. There were many States around the world which did not use it, or which reserved its application for certain exceptional cases such as war crimes. Nevertheless, a large number of States still carried out the death penalty.

9. Proponents of the death penalty argued that it had a deterrent effect. However, research showed that it had no such effect, and that crime rates were virtually identical in countries where it had been abolished and in those where it was still applied. In any event, the concept of deterrence did not give States licence to administer justice by whatever means.

10. Supporters of capital punishment also argued that it was justified by the concept of retribution; but many States, including the members of the European Union, favoured rehabilitation, considering that it was more important to save the offender than to punish him.

11. Throughout its history, humankind had pondered the fundamental questions about life and death. Understanding of those questions was as limited in the countries of the European Union as anywhere else.

12. The approach taken by the United Nations to the issue of the death penalty was also based on an awareness of the fallibility of human judgement. The law, whether divine or man-made, was always carried out by human beings, whose errors were sometimes irreparable. It was for that reason that the United Nations supported the defence of the right to life (article 3 of the Universal Declaration of Human Rights and article 6, paragraph 1 of the International Covenant on Civil and Political Rights); called for the restriction of the death penalty to the most serious crimes and prohibited its imposition on persons under the age of 18, pregnant women, new mothers and the insane (article 6, paras. 2 and 5 of the International Covenant; article 37, para. (a) of the Convention on the Rights of the Child; and resolution 1984/50 of the Economic and Social Council); and established safeguards (particularly in article 6 of the International Covenant and Economic and Social Council resolution 1984/50 and the annex thereto).

13. The European Union welcomed the framework established by those instruments and called for their full implementation by all States concerned. It strongly endorsed the view that capital punishment, where it had not yet been abolished, should be limited to the most serious crimes, that the persons referred to in the above-mentioned documents should be exempt and that it should only be imposed for crimes that were punishable by the death penalty under the law at the time when they were committed. The European Union was also concerned about situations where the death penalty was applied in a generalized way, on the basis of political or religious beliefs, race or gender, or as a form of revenge. It attached great importance to observance of established safeguards, including the right to legal assistance and to be judged publicly before a competent court, the right to appeal and the right to seek a pardon or commutation of one's sentence. It therefore urged all States concerned, in keeping with the decisions of the Vienna World Conference on Human Rights, to consider ratifying or acceding to the pertinent human rights instruments and to review any reservations contrary to those instruments, with a view to withdrawing them.

14. The main purpose of the draft resolution contained in document A/49/234 was to promote further reflection on the highly complex and delicate question of capital punishment. The text did not contain new standards, but rather summarized existing ones and posed the challenge of confronting them. While looking ahead, the draft resolution, in paragraph 4, suggested that the status quo of persons currently on death row should be preserved.

15. The European Union hoped that Member States would contribute, through their positions on the draft resolution, to a constructive debate on the issue.

16. Mr. SEYDOU (Niger), speaking on agenda item 100 (a), said that, on the eve of the fiftieth anniversary of the United Nations, it must be said that although clear progress had been made in the codification of human rights, much still

remained to be done to ensure that all States formerly recognized those rights by incorporating them into domestic legal instruments. His country was so convinced that there could be no real social progress without respect for human rights and fundamental freedoms that the basic provisions of the Universal Declaration of Human Rights had been incorporated into the Constitution adopted by referendum in December 1992 and enacted in January 1993. That was evident from the provisions of articles 11 and 12 of the Constitution.

17. He noted with satisfaction that the World Conference on Human Rights had adopted in June 1993 the Vienna Declaration and Programme of Action, which the General Assembly had endorsed in resolution 48/121. The fundamental principles of the Declaration had already been incorporated into his country's basic law. Niger had also ratified the two international human rights covenants, the Convention on the Rights of the Child as well as the 1951 Geneva Convention relating to the Status of Refugees and its 1967 Protocol.

18. Niger was also a party to the 1969 Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa. His country's Constitution granted foreigners the same rights and freedoms as those of Nigerian citizens (art. 9). For that reason, Niger, in spite of its modest means, had accepted thousands of refugees from the subregion. His Government expressed its appreciation to the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the European Development Fund, UNDP and the Canadian International Development Agency, which had provided Niger with various types of assistance and commended them for their work on behalf of refugees and displaced persons.

19. He noted with satisfaction that the General Assembly had established the post of the United Nations High Commissioner for Human Rights under resolution 48/141 and commended the Centre for Human Rights, which had thus far carried out its difficult mission in a competent, perspicacious and objective manner and in strict accordance with its mandate.

20. Niger was prepared to participate in the work of the Human Rights Committee as it was already taking part in the work of the African Commission on Human and Peoples' Rights. Several associations for the defence of human rights had been formed in Niger since the establishment of its multi-party system.

21. In order to promote and protect human rights, it was necessary to ensure decent living conditions. Illiteracy and poverty led to instability and weakened democracy. The right to development and human rights were two sides of the same coin and therefore indivisible. Accordingly, economic, social and cultural rights should be dealt with on an equal footing with civil and political rights. The World Conference on Human Rights, moreover, had stressed that democracy, development and respect for human rights were independent and mutually reinforcing. It was hoped that that relationship would be further underscored at the World Summit for Social Development to take place in March 1995. In that connection, he stressed the relevance of General Assembly resolutions 48/123 and 48/125.

22. Mr. OSVALD (Sweden), speaking on behalf of the Nordic countries on agenda item 100 (a), said that the International Covenant on Civil and Political Rights, with the First and Second Optional Protocols, and the International Covenant on Economic, Social and Cultural Rights, which were based on the Universal Declaration of Human Rights, the forty-fifth anniversary of which had been celebrated in 1993, must gain universal adherence. It was regrettable that more than a quarter of a century since the adoption of the two Covenants, close to a third of the Member States had still not ratified or acceded to them. Measures to ensure universal accession, therefore, must continue to be a priority, a view strongly endorsed by the World Conference on Human Rights. In that context, the Nordic countries welcomed the dialogue initiated by the Secretary-General with Member States that had not acceded to the international human rights covenants.

23. He noted with serious concern the increasing number of far-reaching reservations made by States when acceding to or ratifying human rights treaties. An alarming number of reservations were incompatible with the object and purpose of the instruments in question or made sweeping references to national legislation, which was contrary to international treaty law. In order to avoid proliferation of reservations, States parties might find it necessary to declare that the reservations expressed by other States parties to human rights conventions, unless withdrawn or specified in accordance with international law, were an obstacle to the entry into force of the convention between the States parties concerned, or were not valid. In addition, States that wished to express reservations could be assisted in formulating them as specifically as possible and in accordance with international law. The World Conference on Human Rights had clearly recommended that States should ensure that no reservations were incompatible with the object and purpose of the relevant instrument. The Nordic countries therefore strongly appealed to the States concerned to reconsider their reservations with a view to withdrawing them as soon as possible.

24. By ratifying or acceding to a convention, States were also obliged to implement its provisions, including those relating to the submission of reports. Too many reports by States parties were overdue. It was therefore most important for the Centre for Human Rights to continue its technical assistance to States parties to enable them to draw up their reports, particularly initial reports.

25. The meetings of the chairpersons of the treaty monitoring bodies had been very useful for enhancing the implementation of the various instruments; the establishment of a computerized database, which would facilitate the functioning of the treaty bodies, must be given high priority.

26. The codification of human rights was a long process, and the development of new human rights instruments had widened the protection of those rights. The Nordic countries, while echoing the appeal of the World Conference on Human Rights for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, welcomed the establishment of the working group on the elaboration of an optional

protocol to the Convention on the Rights of the Child regarding involvement in armed conflicts, and supported the possibility of introducing the right of petition through the preparation of an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

27. With reference to agenda item 100 (e), she said that the right to life was the most fundamental of all human rights, and that the death penalty was a form of punishment which violated the dignity of the human being. Since 1959, the United Nations, with the active support of the Nordic countries, had been seeking to abolish capital punishment, and although the ultimate goal had not yet been reached, some progress had been made. Although to date 54 countries, including the Nordic countries, had abolished the death penalty for all offences, while others had limited the number of offences for which capital punishment could be imposed, the Nordic countries were greatly concerned to note that some States were using that penalty more widely and that the number of offences punishable by the death penalty had increased.

28. The international community should focus on abolishing the death penalty. That should be considered as progress in the enjoyment of human rights, which rights should be universal; it was the absolute responsibility of each individual State to promote those rights.

29. Mr. FERRARIN (Italy), speaking with reference to agenda item 100 (e), said that his delegation fully supported the views expressed by Germany in its capacity as the current President of the European Union, and was in favour of the abolition of the death penalty. However, he pointed out that, in requesting together with other Member States, the inclusion of the item on the agenda of the forty-ninth session of the General Assembly, his delegation's aim had not been to force a confrontation between abolitionists and anti-abolitionist States, but to reopen the discussion on capital punishment in a constructive and cooperative spirit.

30. The United Nations had long attached great importance to the eventual abolition of the death penalty, which had been reflected in several General Assembly resolutions, in particular resolutions 2393 (XXIII) and 2857 (XXVI) and, above all, the Second Optional Protocol to the International Covenant on Civil and Political Rights, which the General Assembly had adopted in December 1989. Recently, the United Nations had further reinforced that position by deciding that the international tribunals which had been set up to investigate the crimes committed against humanity in the former Yugoslavia and in Rwanda would not impose capital punishment, even for the most terrible crimes. In more general terms, the death penalty had been excluded from the list of possible punishments envisaged in the draft statute of the proposed International Criminal Court; that was quite understandable considering that it was a violation of the right to life, which was established in the principal human rights instruments and which all countries agreed was sacred in character.

31. At present the situation varied greatly from one country to another; some States had abolished the death penalty, while others contented themselves with limiting its application or continuing to apply it as in the past, convinced -

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mistakenly, according to several statistical studies - that it had a deterrent effect. However long the road to a generalized abolition of capital punishment might seem, certain aspects of executions raised legal, social and humanitarian concerns. The Economic and Social Council had sought to address those concerns in resolution 1984/50, by adopting a series of safeguards guaranteeing protection of the rights of those facing the death penalty, which had been recommended to it by the Committee on Crime Prevention and Control. Since a growing number of countries while retaining the death penalty were not enforcing it, he suggested, in order to speed matters up, that all Member States who had not abolished capital punishment should consider suspending executions until the year 2000; the six-year moratorium would give States time to reflect on the issue and reconcile their points of view.

32. Mr. PACHIU (Romania) stressed that in implementing human rights instruments it was necessary to be guided by the spirit of the Vienna Declaration and Programme of Action, the foundation of the whole system of human rights protection, in terms of standard-setting, codification and implementation. With the shaping of a coherent and comprehensive legislative and institutional framework the first stage of that complex process had been completed. The time had come to concentrate on improving and expanding the monitoring of international standards and improving the coordination and effectiveness of United Nations human rights machinery. The elaboration of new standards and the reinterpretation of some aspects of human rights instruments should be limited to those areas which were of particular significance in view of new developments, or on which there was broad consensus among Member States. At the same time, that should not jeopardize efforts to enhance the effectiveness of the machinery for the promotion and protection of human rights both at the international and domestic level.

33. Addressing the question of ratification and accession to international human rights instruments, and withdrawal of reservations that limited the universality of those instruments, his delegation welcomed the substantial increase in accessions to the various United Nations human rights instruments, particularly to those provided with monitoring bodies. Romania was itself a party to the international Covenants and the Optional Protocols thereto, as well as to nearly all the United Nations human rights instruments, and it was trying to fulfil its reporting obligations.

34. Recalling that the right to life was a basic human right, he said that Romania, whose constitution guaranteed the right to life and the physical and mental integrity of the person, and prohibited the death penalty, was also a party to the sixth optional protocol to the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms.

35. As a country strongly committed to democratic values, Romania was constantly bringing its legislation into line with international and European norms, and it maintained an open dialogue and genuine cooperation with the bodies monitoring the application of United Nations human rights instruments. It was aware of the importance of maintaining and strengthening those bodies, and the whole procedural mechanism: rapporteurs, representatives, experts and

working groups, which made it possible to monitor how far States parties were fulfilling their responsibilities. Romania also welcomed the practice of following up on the examination of reports, the valuable activities performed by the Human Rights Committee and other treaty bodies regarding the drafting of general comments, as well as the recent decision to hold annual meetings of the chairpersons of human rights treaty bodies.

36. His delegation considered that the international community should encourage the role of the High Commissioner for Human Rights as well as the work of the Centre for Human Rights in the field of advisory services and technical cooperation. More precisely, he welcomed the analysis prepared by the Centre for Human Rights of the status of implementation of the recommendations contained in the Vienna Declaration and Programme of Action, which contained specific recommendations in that respect.

37. Convinced that each State had a responsibility to promote and enforce respect for human rights, Romania was taking steps to bring its legislation into line with relevant international and European norms.

38. In addition to its attachment to the United Nations human rights system, Romania, as a member of the Council of Europe and an associate member of the European Union, was totally committed to the European process of integration, the aim of which was to create a climate of confidence and security which would facilitate the implementation of the three objectives, development, peace and democracy.

39. Romania fully subscribed to the principle of regional security and stability, founded upon appropriate protection for human rights, in particular, the rights of persons belonging to national minorities. The Romanian Government, while proceeding with legislative reform which already provided constitutional protection for the rights of persons belonging to national minorities, and for their participation in every aspect of public life, had equipped itself with a comprehensive institutional system designed to provide additional safeguards for the protection of human rights. They were the Constitutional Court, the institution of the Ombudsman and the Council on National Minorities, a consultative body designed to ensure effective dialogue between the representatives of minorities and the Government.

40. In conclusion, he reiterated his country's full commitment to efforts aimed at the enhancement of United Nations human rights machinery, and emphasized the need to strengthen the rule of law and democratic institutions and processes at the domestic level.

41. Mr. LI Baodong (China), speaking on agenda item 100 (a), stressed the effectiveness of the international instruments, and the monitoring and reporting procedures established by the United Nations in promoting human rights. He noted, however, that the late submission of reports was becoming increasingly serious and common. Certainly, the practice of reporting overburdened States parties; some way of easing their task should be sought on a priority basis.

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His delegation proposed reducing the number of reports and simplifying reporting procedures.

42. The Convention on the Rights of the Child was the international human rights instrument which thus far commanded the widest consensus. The international community, through, in particular, the Committee on the Rights of the Child, had made an active effort to implement it. However, the unprecedented and still growing number of States parties to the Convention had been reflected in a corresponding number of reports and an increased need for technical assistance and cooperation, with a commensurate increase in the Committee's workload and responsibilities. As the Committee was essential to the implementation of the Convention, that problem must be solved in order to enable the Committee to carry out its functions speedily and effectively. To that end, the Committee had proposed that the number of its annual sessions and sessions of the working group established for the preliminary review of the reports of States parties and consideration of appropriate areas for technical assistance and cooperation should be increased to three. That proposal deserved consideration.

43. His Government always supported efforts by the United Nations to promote human rights and fundamental freedoms in accordance with the purposes and principles of the Charter. It had actively participated in the drafting and formulation of international human rights instruments. In recent years, within the framework of its reform process, of opening up to the outside world, and of rapid economic development, China had made remarkable progress in improving and promoting respect for human rights. Since 1980, it had signed, acceded to or ratified a number of human rights instruments and had submitted reports on their implementation at the national level. With regard to the Convention on the Rights of the Child, his Government had invited representatives of the competent departments, social organizations and children's and youth associations to discuss the content and main ideas of the report to be submitted and had asked them to provide information according to their work and functions. Having completed the drafting of the first report on the basis of the guidelines adopted at the first session of the Committee on the Rights of the Child, the departments concerned were seeking the views of the community. The report would help the international community to understand in detail how China was implementing the Convention.

44. Referring to agenda item 100 (e), his delegation recommended that the sentence of capital punishment should be rendered and executed only if extreme caution was exercised and that rigorous legal procedures should be followed. As a social phenomenon, however, the adoption, practice or abolition of capital punishment were controlled by many factors in a society, including political, economic, cultural and historical factors. It was precisely for that reason that most countries in the world still practised capital punishment. The abolition of capital punishment was an internal matter to be decided by States; it was therefore unrealistic to request all countries to abolish it.

45. Mr. BIGGAR (Ireland) spoke on agenda item 100 (e), which Germany had already addressed on behalf of the States members of the European Union. His

delegation approached the question from the perspective of safeguarding the most fundamental of human rights, the right to life, without which all other rights were meaningless. That right was explicitly set forth in article 3 of the Universal Declaration of Human Rights and reaffirmed in article 6 of the International Covenant on Civil and Political Rights. His delegation was convinced that it was the State's duty to safeguard that right and ensure that it was respected, and that the death penalty constituted a violation of that essential right. Therefore, any action to abolish capital punishment contributed to enhancing human dignity and ensuring respect for human rights.

46. Article 6 of the International Covenant on Civil and Political Rights reaffirmed the right to life and established specific restrictions on the imposition and execution of the death penalty. It was evident that those who had drafted the Covenant would have wished to prohibit capital punishment. The time had come to convert that wish into reality.

47. No one had been executed in Ireland since 1954, a reflection of the public's attitude towards the death penalty. In 1964, Ireland had abolished the death penalty, except in the very specific case of the most heinous crimes. In 1989, it had abolished it for offences of any nature, whether civil or military. In 1993, it had acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights.

48. When the death penalty had been abolished, the Minister of Justice at the time had recalled that the overwhelming body of scientific evidence and studies proved that the death penalty was not an effective deterrent. In any event, even if it were, Governments would have to be subject to limitations on its application. His delegation agreed with a number of other representatives that society must protect its essential fabric but believed that that was not a reason to resort to the violation of human rights. In its view, the imposition of a lengthy mandatory prison sentence could be an equally effective deterrent. The fallibility of human justice - in other words, the risk of sentencing an innocent person to death - was yet another argument against the death penalty. Convinced that the abolition of the death penalty in all countries would represent a major stride towards universal respect for human rights, his delegation strongly urged all States to accede to the Second Optional Protocol as a matter of priority and to abolish the death penalty.

49. Recognizing, however, that not all States might be prepared at the current stage to take such measures, he urged all those States which had not yet abolished the death penalty to declare, as a matter of urgency, a moratorium on the execution of all sentences of capital punishment. That would be a first step towards the effective abolition of the death penalty. In any event, his delegation strongly urged all States which still practised the death penalty to take immediate steps to restrict its application to an absolute minimum and, in all cases, to comply with the essential restrictions set forth in article 6 of the International Covenant on Civil and Political Rights.

50. Ireland hoped that the draft resolution on capital punishment would be adopted by the Committee at a later stage and that it would have the effect of

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encouraging more States to become parties to the Second Optional Protocol and to favour the declaration of a moratorium on all executions.

51. Mrs. ESHMAMBETOVA (Kyrgyz Republic) speaking on agenda item 100 (a), stressed that protection of human rights was a condition for sustainable development and the strengthening of international peace and security and that the international human rights instruments drawn up within the framework of the United Nations provided the necessary standards and guidelines for the world community in that field.

52. Since becoming independent, the Kyrgyz Republic had established a democratic and civil society based on respect for human rights. Furthermore, over the past two years, her country had become a party to the Universal Declaration of Human Rights and the major human rights conventions, including the two international covenants. It had also signed the Optional Protocol to the International Covenant on Civil and Political Rights, thus recognizing the competence of the Human Rights Committee to consider complaints by individuals of human rights violations in her country. Kyrgyzstan had recently deposited with the Secretary-General its instrument of accession to the Convention on the Rights of the Child.

53. While acceding to key international instruments, her country would take appropriate steps to bring its national legislation into accordance with its commitments. In the spirit of the Universal Declaration and other documents, the Constitution adopted in 1993 set forth standards for political, social, economic and cultural rights. Eight political parties and over 300 public associations were registered and operated freely in the country; and more than 12 newspapers expressing a wide range of viewpoints were published.

54. Tolerance was the touchstone of the political culture of Kyrgyzstan, which comprised numerous communities that had various religious, racial, national, cultural and political affiliations. It was crucial to protect the rights of those groups since a country's political stability depended to a large extent on harmony among its ethnic groups, without which there would be social unrest.

55. The Kyrgyz Republic, which was aware of the fragility of its democratic institutions, was committed to strengthening them in order to ensure the rule of law. Therefore, it was interested in close cooperation with the United Nations and other international bodies active in the field of international law. Her country welcomed the appointment of the High Commissioner for Human Rights (General Assembly resolution 48/141) and confirmed its commitment to the spirit and letter of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993.

56. She commended the Assistant Secretary-General for Human Rights for his introductory statement on 16 November 1994 and supported the view that the United Nations human rights instruments adopted by the General Assembly were of vital importance and that the bodies monitoring their implementation must receive the necessary support and resources to enhance their crucial work of ensuring compliance with human rights standards. The Kyrgyz Republic was

pleased to learn that the work of the Committee on the Rights of the Child would be expanded and commended the Centre for Human Rights for supporting the work of that Committee by initiating a computerized database project.

57. Mr. YASSIN (Sudan), speaking on agenda item 100 (e), said that his delegation had initially been opposed to the inclusion of that item on the agenda, but had later changed its position in the belief that capital punishment was a matter to be dealt with by the Sixth Committee.

58. He wished to make the following comments on the draft resolution under consideration in document A/49/234. First, since the draft resolution called upon all States to accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, which aimed to abolish capital punishment, the text did not take into account the religious beliefs and cultural traditions of numerous countries. Second, although the draft text advocated clemency for criminals, one might legitimately wonder how States could ensure the security of citizens in view of the increase in crimes without resorting to capital punishment. It was difficult to believe that imprisonment alone could dissuade criminals from committing or continuing to commit crimes since prisons were more places of refuge where one could be protected and fed rather than places of hardship and served more to comfort criminals in their anti-social attitudes rather than make them change. Third, since 130 States imposed capital punishment in cases of premeditated murder, it was difficult not to take account of the reasons for their choice. Fourth, regardless of their basic principles, all penal theories agreed on the need to deal harshly with offenders and criminals, which they considered the only way to ensure in a lasting way the security of persons and property. Fifth, although the law of the revealed religions attached great importance to capital punishment in the view that it was a way to preserve life, it did not necessarily result in summary justice for criminals, as some seemed to believe. In Islamic countries, for example, capital punishment was imposed only when it was irrefutably proved that the accused party was guilty of the crimes with which he was charged, contrary to what occurred in some English-speaking countries like the United States, for example, where one could be sentenced to death solely on the basis of reasonable doubt. Furthermore, under Islamic law, a person accused of committing premeditated murder could take advantage of more than 80 arguments (including madness, self-defence, or being subject to sudden and violent emotional outbursts, for example) in order to escape capital punishment. Furthermore, there was a very widespread practice in Islamic countries according to which the family of a murdered person might decide not to bring charges against the murderer if he paid the family a certain amount of money.

59. In view of those considerations, his delegation believed that instead of calling into question the usefulness of capital punishment, the legal institutions and judicial bodies of the international community should immediately consider the fundamental question of establishing rules to be respected in order to ensure that accused persons were defended and were judged only after their behaviour, previous history and the reasons for their acts had been studied in detail.

60. Lastly, he said that his delegation could not accept the draft resolution on capital punishment and urged all States not to adopt it.

61. Mr. CASTILLO (Nicaragua), speaking on agenda item 100 (a), said that respect for human rights was a major concern of his Government and that on that basis it was promoting the establishment of the post of prosecutor for the defence of human rights, whose mandate would be to consider the work of public authorities relating to human rights, put forward recommendations in that regard and act as an intermediary between the authorities and the people.

62. The second International Conference of New and Restored Democracies (Conferencia internacional de las democracias nuevas o restauradas) had been held in Managua (Nicaragua) from 4 to 7 July 1994 with the participation of more than 70 countries from four continents as well as special guests and international organizations. In the Managua Declaration, which they had adopted, the participants in the Conference had expressed the view that democracy was the only system that enabled countries to reach agreement freely and on a permanent basis in order to ensure peace. They had also declared that the implementation of policies to foster lasting development and improve the living standard of the poorest sectors of society depended on the existence of institutions that could promote the exercise of civil and political freedoms. The action plan adopted by the Conference provided for measures to ensure the holding of free, authentic and periodic elections, guarantee full respect for basic freedoms and promote a spirit of tolerance as well as speedy accession by the countries participating in the Conference to various international legal instruments concerning civil, political, economic, social and cultural rights.

63. As part of its efforts to achieve peace and promote human rights, Nicaragua had established a standing national forum on democracy and peace in which representatives of all sectors of civil society participated. That forum, whose primary objective was to strengthen democracy and peace and to foster consensus-building on all the major issues of national interest, was expected to usher in a culture of non-violence, dialogue and negotiation as means of resolving any problems that the country might face in future.

64. Similarly, the Nicaraguan Government was implementing, together with other Central American countries, a programme to promote a culture of peace and democracy in the region. The aim of that programme, of which the University for Peace was the executing agency and which had been established at the initiative of the Nicaraguan Government, was to create the conditions for social stability needed for economic growth in the countries of the region by organizing national education campaigns for peace and democracy, cultural festivals for peace and democracy at the municipal and national levels especially in areas that had been the scene of conflicts, and training courses for journalists on the role and responsibility of the press.

65. Clearly, free elections by secret ballot were one of the essential conditions for the establishment of democratic systems. In that regard, he welcomed the elections that had been held on 27 February 1994 in the autonomous regions of the Atlantic seaboard of Nicaragua. As the over 150 national and

international observers from Sweden, the United States of America and other countries as well as the Organization of American States and the United Nations had testified, no incidents or anomalies had been reported during those elections, in which most of the country's political parties and grass-roots associations had participated.

66. One of his Government's main priorities was to ensure that Nicaragua had a professional army that put national interests before those of any political party. With that in mind, the Government had begun as far back as 1990 to reduce the army's strength - which had dropped from 100,000 troops in 1994 to 15,000 currently - and budget; a code regulating the chain of command, structure and composition and internal rules of operation of the army had been adopted on 2 September 1994 for the first time in the country's history.

67. In October 1994 an ecological summit meeting on the sustainable development of Central America had been held in Nicaragua, at the end of which the Presidents of the Central American countries and the Prime Minister of Belize had concluded an Alliance for Sustainable Development, which provided for the implementation of a regional strategy for coordinating and holding consultations on national development initiatives and measures to ensure respect for human rights.

68. Also, on 24 and 25 October 1994, an International Conference on Peace and Development, which had been convened by the Presidents of the Central American countries and the Prime Minister of Belize, had been held at Tegucigalpa, Honduras. During the conference, the countries of the region had debated the future of Central America with the representatives of their respective civil societies and the international community. They committed themselves to promoting respect for human rights and, to that end, requested the Central American Council of Counsels for Human Rights to submit a report to them on their human rights activities and to make recommendations on the means of developing such activities systematically. Similarly, they agreed to implement a plan of action in the area of the teaching of peace and democracy and planned to reconvene a conference on peace and development periodically.

69. Turning to another topic, his delegation felt that the international community must find means of putting an end to the ongoing violations of basic human rights in Bosnia and Herzegovina and Rwanda once and for all. Moreover, while his delegation welcomed the actions undertaken by the United Nations High Commissioner for Human Rights in the countries wracked by conflicts, it felt that such action would be even more useful if it was undertaken as part of preventive diplomacy, namely, before the outbreak of conflicts and not afterwards. In that regard, more resources should be made available to the High Commissioner in order to enable him to carry out his important mission even more effectively. Similarly, the cost-effectiveness of international human rights organizations should be assessed so as to ensure that the meagre available resources were used effectively and that any duplication of effort was avoided.

70. His delegation attached considerable importance to the World Summit for Social Development to be held in 1995 and hoped that it would provide the

opportunity for industrialized countries to commit themselves to assisting countries of the South in eliminating poverty, creating productive jobs and promoting the integration of their societies, because it would afford a good opportunity for addressing human rights violations, which were often linked to the lack of development or underdevelopment.

71. Turning to agenda item 100 (e), he recalled that Nicaragua, which had abolished the death penalty, fully supported instruments which provided for its abolition and that it had been one of the countries that had requested the inclusion of item 100 (e) on the agenda of the forty-ninth session of the General Assembly.

72. Mrs. KYEYUNE (Uganda), referring to agenda item 100 (a), said that it was owing to her country's commitment to the observance and promotion of human rights that it had become a party to a number of the principal human rights instruments, including the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child. Uganda would continue to evaluate other human rights instruments objectively.

73. The fact that her delegation was unable to comply in a timely manner with the provisions of article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in no way demeaned the importance it attached to the Convention. Every effort was being made by her Government in consultation with the Centre for Human Rights to enable it to meet its obligations under the Convention. In early 1994, her Government had accordingly requested advisory services and technical assistance of the Centre for Human Rights and welcomed the positive response to that request, as indicated in the report of the Committee against Torture (A/49/44). Unless developing countries were assisted in developing and enhancing their capacity in the area of human rights, they would continue to experience serious constraints in attempting to meet their obligations under conventions.

74. Concerning agenda item 100 (e), she noted that it was important to recognize and respect the national law and norms of individual countries. Uganda would continue to address the issue of capital punishment from a legal perspective.

75. The CHAIRMAN urged sponsors of draft resolutions to intensify their consultations and to have a clear idea of the decision which would be taken on their texts. Delegations should avoid introducing new amendments at meetings convened to take decisions on proposals.

The meeting rose at 12.35 p.m.